

EXHIBIT A

From: Edward Wallace [<mailto:EAW@wexlerwallace.com>]

Sent: Saturday, July 15, 2017 8:31 AM

To: David Thomas <DThomas@tcspllc.com>

Cc: Phil Combs <PCombs@tcspllc.com>; Christy Jones <Christy.Jones@butlersnow.com>; Aaron Arthur <AArthur@tcspllc.com>; Burt Snell <Burt.Snell@butlersnow.com>; Doug@monsourlawfirm.com; Thomas P. Cartmell <tcartmell@wcllp.com>; Jeff Kuntz <jkuntz@wcllp.com>; jperduejr@perdueandkidd.com; Timothy Jackson <TEJ@wexlerwallace.com>

Subject: Re: Guelcher deposition

Ok

On Jul 15, 2017, at 6:32 AM, David Thomas <DThomas@tcspllc.com> wrote:

Ed—we accept your proposal, subject to Ethicon not producing MacLean and Thames for depositions until after the Guelcher deposition and provided that Ethicon has adequate time to file any Daubert motions. Please confirm and we will continue the Guelcher deposition until such time as we get a ruling on the motion. We should also advise Judge Eifert of the agreement and the scheduling issues so that she understands the need for a prompt ruling.

Thank you.

David

From: Phil Combs

Sent: Friday, July 14, 2017 5:11 PM

To: 'Edward Wallace' <EAW@wexlerwallace.com>; David Thomas <DThomas@tcspllc.com>

Cc: Christy Jones <Christy.Jones@butlersnow.com>; Aaron Arthur <AArthur@tcspllc.com>; Burt Snell <Burt.Snell@butlersnow.com>; Doug@monsourlawfirm.com; Thomas P. Cartmell <tcartmell@wcllp.com>; Jeff Kuntz <jkuntz@wcllp.com>; jperduejr@perdueandkidd.com; Timothy Jackson <TEJ@wexlerwallace.com>

Subject: RE: Guelcher deposition

Ed: as soon as David is somewhere that we can reach him. We'll get back to you. Thanks.

From: Edward Wallace [<mailto:EAW@wexlerwallace.com>]

Sent: Friday, July 14, 2017 5:10 PM

To: Phil Combs <PCombs@tcspllc.com>; David Thomas <DThomas@tcspllc.com>

Cc: Christy Jones <Christy.Jones@butlersnow.com>; Aaron Arthur <AArthur@tcspllc.com>; Burt Snell <Burt.Snell@butlersnow.com>; Doug@monsourlawfirm.com; Thomas P. Cartmell <tcartmell@wcllp.com>; Jeff Kuntz <jkuntz@wcllp.com>; jperduejr@perdueandkidd.com; Timothy Jackson <TEJ@wexlerwallace.com>

Subject: RE: Guelcher deposition

Yes.

From: Phil Combs [<mailto:PCombs@tcspllc.com>]

Sent: Friday, July 14, 2017 4:07 PM

To: Edward Wallace <EAW@wexlerwallace.com>; David Thomas <DThomas@tcspllc.com>

Cc: Christy Jones <Christy.Jones@butlersnow.com>; Aaron Arthur <AArthur@tcspllc.com>; Burt Snell <Burt.Snell@butlersnow.com>; Doug@monsourlawfirm.com; Thomas P. Cartmell <tcartmell@wcllp.com>; Jeff Kuntz <jkuntz@wcllp.com>; jperduejr@perdueandkidd.com; Timothy Jackson <TEJ@wexlerwallace.com>

Subject: RE: Guelcher deposition

Ed: David needs to sign off on this but I want to make sure that I understand what you are proposing. Is it the following:

1. Ethicon files the motion for protective order.
2. No deposition occurs until Judge Eifert rules. And at that point the parties know whether this is a Wave 5 discovery deposition only or discovery depo + DBE.
3. The parties agree that Guelcher's Wave 5 discovery depo can be taken after the Wave 5 discovery cut-off, but within some reasonable time after Judge Eifert rules (10 days, 2 weeks, something like that).

Is this what you are proposing?

From: Edward Wallace [<mailto:EAW@wexlerwallace.com>]

Sent: Friday, July 14, 2017 4:44 PM

To: David Thomas <DThomas@tcspllc.com>

Cc: Christy Jones <Christy.Jones@butlersnow.com>; Aaron Arthur <AArthur@tcspllc.com>; Phil Combs <PCombs@tcspllc.com>; Burt Snell <Burt.Snell@butlersnow.com>; Doug@monsourlawfirm.com; Thomas P. Cartmell <tcartmell@wcllp.com>; Jeff Kuntz <jkuntz@wcllp.com>; jperduejr@perdueandkidd.com; Timothy Jackson <TEJ@wexlerwallace.com>

Subject: RE: Guelcher deposition

David:

I realize you are out of the country, so I am following up on the below. Given your travel and our idea of just having one deposition, I'd like to know if you will just file the motion for protective order and then take Guelcher's deposition based on that ruling. We can expedite the briefing, but I don't think we need to do it on an emergent basis before Tuesday- I think if we tell the Court what we are doing we can make it work.

Either way, can you let us know.

Thanks.

Ed

From: Edward Wallace

Sent: Thursday, July 13, 2017 7:15 PM

To: David Thomas <DThomas@tcspllc.com>

Cc: Michael Bowman <MHB@wexlerwallace.com>; Christy Jones <Christy.Jones@butlersnow.com>; Aaron Arthur <AArthur@tcspllc.com>; Phil Combs <PCombs@tcspllc.com>; Burt Snell <Burt.Snell@butlersnow.com>; Doug@monsourlawfirm.com; Thomas P. Cartmell <tcartmell@wcllp.com>; Jeff Kuntz <jkuntz@wcllp.com>; jperduejr@perdueandkidd.com

Subject: Re: Guelcher deposition

The issue we disagree on is the idea that there will be two depositions. Why not just file your motion, let the court rule on it and let's do this once? That is the approach that we need to take. Thanks.

On Jul 13, 2017, at 6:27 PM, David Thomas <DThomas@tcspllc.com> wrote:

Ed--your last note prompted the thought that perhaps we are not communicating. I am on the other side of the world. Are you telling me that plaintiffs will not seek to have our motion heard on an expedited basis in order to take the DBE deposition on Tuesday and that the motion will be heard in due course? If that is the case, I will take the discovery deposition on Tuesday and if the parties are unable to work something out, then the court can rule on the motion. That makes my next several days much more manageable. Because, as you see, if I have to take a DBE deposition of Dr. Guelcher on Tuesday it is both scheduling and personal issues that I have with your plans. This information also dictates part of the substance of the motion. Please advise.

David

On Jul 14, 2017, at 8:26 AM, Edward Wallace <EAW@wexlerwallace.com> wrote:

If this was a personal or scheduling issue I would absolutely work to do so, but I have your email on it and appreciate your point of view.

From: David Thomas [<mailto:DThomas@tcspllc.com>]
Sent: Thursday, July 13, 2017 3:43 PM
To: Edward Wallace <EAW@wexlerwallace.com>
Cc: Michael Bowman <MHB@wexlerwallace.com>; Christy Jones <Christy.Jones@butlersnow.com>; Aaron Arthur <AArthur@tcspllc.com>; Phil Combs <PCombs@tcspllc.com>; Burt Snell <Burt.Snell@butlersnow.com>; Doug@monsourlawfirm.com <Doug@monsourlawfirm.com>; Thomas P. Cartmell <tcartmell@wcllp.com>; Jeff Kuntz <jkuntz@wcllp.com>; jperduejr@perdueandkidd.com
Subject: Re: Guelcher deposition

Yes we will move for the protective order. I am sorry that you will not accommodate my request after we accommodated yours.

On Jul 14, 2017, at 2:45 AM, Edward Wallace <EAW@wexlerwallace.com> wrote:

David:

Ignore my call to your office – I see you are out. In any event, we plan to proceed with the deposition that we noticed. We assume you will move the court for a protective order, which will give everyone the answer they need. Please confirm.

Ed

From: David Thomas [<mailto:DThomas@tcspllc.com>]
Sent: Thursday, July 13, 2017 1:51 AM

To: Edward Wallace <EAW@wexlerwallace.com>
Cc: Michael Bowman <MHB@wexlerwallace.com>;
Christy Jones <Christy.Jones@butlersnow.com>; Aaron
Arthur <AArthur@tcspllc.com>; Phil Combs
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<Burt.Snell@butlersnow.com>;
Doug@monsourlawfirm.com; Thomas P. Cartmell
<tcartmell@wcllp.com>; Jeff Kuntz
<jkuntz@wcllp.com>; jperduejr@perdueandkidd.com;
David Thomas <DThomas@tcspllc.com>
Subject: RE: Guelcher deposition

Ed— assuming that Ethicon agrees that a DBE deposition of Guelcher is appropriate (and I am not sure that is the case) the first and primary reason I cannot do a DBE deposition on Tuesday is that I have been out of the country for almost two weeks and will not return until this weekend. Just not enough time to prepare. Secondly, we need time between a deposition on Tuesday and any trial deposition plaintiffs intend to take. So, rather than deal with this issue now, please permit the wave 5 discovery deposition go forward on Tuesday and let's defer this issue until after the deposition is completed and we have an opportunity to consider the issue further. Please advise; if we are unable to agree, we will file a motion for protective order. Thank you for your anticipated cooperation in this regard.

David

From: Edward Wallace
[<mailto:EAW@wexlerwallace.com>]
Sent: Wednesday, July 12, 2017 10:04 PM
To: David Thomas <DThomas@tcspllc.com>
Cc: Michael Bowman <MHB@wexlerwallace.com>;
Christy Jones <Christy.Jones@butlersnow.com>; Aaron
Arthur <AArthur@tcspllc.com>; Phil Combs
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<jkuntz@wcllp.com>; jperduejr@perdueandkidd.com
Subject: Re: Guelcher deposition

My understanding is that we are doing this with the material experts - and I've copied Tom, Jeff, Doug and Jim so that they are in the loop. Please let me know why you think it should be postponed and whether you are suggesting we can just agree to take it later - I'm not sure I follow.

Edward A. Wallace

On Jul 12, 2017, at 4:49 PM, David Thomas
<DThomas@tcspllc.com> wrote:

Ed—we have received the notice for the videotape deposition of Dr. Guelcher. Ethicon objects to the evidentiary deposition on that day. Please advise if plaintiffs will agree to postpone that issue so that the discovery deposition of Dr. Guelcher can go forward on that date or we will file a motion for protective order and postpone the deposition, again, in order to resolve that issue, which will delay further the completion of discovery of experts for wave 5.

David